

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 29, 2008. Through this response, claims 1, 3, 6, 10, 17, 19, 20, 22, 26, 30, 32, 33, 35, 39, 43, 45, 47, 51, 57, 60, 63 and 66 have been amended, and no claims have been canceled or added. Reconsideration and allowance of the application and pending claims 1-3, 6, 10-23, 26, 30-36, 39, 43-48, 51, and 55-74 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(e)

A. Statement of the Rejection

Claims 1-3, 6, 10-14, 17-23, 26, 30-36, 39, 43-48, 51 and 55-74 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *Ward et al.* ("Ward," U.S. Pub. No. 2007/0186240). Applicant respectfully traverses this rejection.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Ward* reference. Applicant discusses the *Ward* reference and Applicants' claims in the following.

Independent Claim 1

Claim 1, as amended, recites (emphasis added):

1. A system for providing interactive media services comprising:

memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG channel listing characteristic where ***the channel listing characteristic comprises a predetermined number of channels presented concurrently***, and logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG channel listing characteristic, wherein the IPG channel listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user such that a first user input of ***selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic***.

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3 that the "channel listing characteristic comprises a predetermined number of channels presented concurrently" is disclosed in *Ward*, paragraph 214. Paragraph 214 of *Ward* states that

...all Guide screens are made of "hard pages." A hard page is defined as an area comprising 9 channel slots.

Assuming, *arguendo*, that one could equate "a predetermined number of channels presented concurrently" from claim 1 with a number of channel slots on a hard page, nowhere does *Ward* teach, disclose, or suggest modifying the number of channel slots that comprise a hard page. The Office Action further states that "selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic" is disclosed in FIG. 6, alleging that "user first select Schedule button; and user can Remove or Change the schedule program list from the action button" (Office Action, page 3). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by selecting the Remove or Change buttons, respectively (see *Ward*, paragraph 121). Even assuming, *arugendo*, the alleged equivalences set forth in page 3 of the Office Action, changing the number of programs in the record list of FIG. 6 does not affect the number of channel slots that comprise a hard page of paragraph 214; therefore, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG channel listing***

characteristic, the IPG channel listing characteristic comprising **a predetermined number of channels presented concurrently**, as is recited in claim 1.

Because independent claim 1 is allowable over *Ward*, dependent claims 2, 3, 10-14 and 55-57 are allowable as a matter of law for at least the reason that the dependent claims 2, 3, 10-14 and 55-57 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 6

Claim 6 recites (emphasis added):

6. A system for providing interactive media services comprising:
memory for storing interactive program guide (IPG) configuration data that is used to determine an IPG time listing characteristic **where the time listing characteristic is at least one of the following:**
a predetermined number of time listings presented concurrently
and **a predetermined coverage of a time listing;** and
logic configured to modify the IPG configuration data in response to a first user input requesting a change in the IPG time listing characteristic,
wherein the IPG time listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user such that a first user input of **selecting the object indicia and the tool indicia modifies the IPG time listing characteristic.**

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3-4 that "a predetermined coverage of a time listing" is disclosed in *Ward*, paragraphs 127 and 190. Paragraph 127 of *Ward* states:

The viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future. In the "all channel" format, the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day.

Paragraph 190 of *Ward* states (emphasis added):

Typically, the EPG will carry only 2 days of program listings. **At the viewer's selection, the EPG can carry only a single day of program listings.** The single day option

provides a smaller range of program listings but increases response time. ***Alternatively, the viewer can select to carry any number of days of program listings, up to the number of days that is provided for by the particular installation, which is set by the corresponding amount of memory storage available.***

Assuming, *arguendo*, that one could equate a "predetermined time listing characteristic" as is recited in claim 6 with the viewer's selection of the number of days of paragraph 190 of *Ward*, nowhere does *Ward* discuss any specific buttons that are selected to change the number of days. The Office Action further states that "selecting the object indicia and the tool indicia modifying the IPG time listing characteristic" is disclosed in the Schedule button of FIG. 1 (object indicia) and the Remove or Change button of FIG. 6 (tool indicia), wherein the "user can change the schedule for the selected programs" (Office Action, page 4). The schedule button of FIG. 1 appears to take the user to the screen of FIG. 6 (see *Ward*, FIG. 6, schedule button is highlighted). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by selecting the Remove or Change buttons, respectively. Removing or changing programs in the record list of FIG. 6 does not affect the number of days of program listings of paragraph 190, as the number of days of program listings from paragraph 190 appears to be related to the Grid screen of FIGs. 1, 3, 4A, 4B, and 5, not the Record screen of FIG. 6 (see *Ward*, paragraph 127). Therefore, even assuming, *arguendo*, the alleged equivalences set forth in pages 3-4 of the Office Action, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG time listing characteristic***, wherein the IPG time listing characteristic is ***a predetermined coverage of a time listing***, as is recited in claim 6.

Because independent claim 6 is allowable over *Ward*, dependent claims 58-60 are allowable as a matter of law for at least the reason that the dependent claims 58-60 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 17

Claim 17 recites (emphasis added):

17. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) channel listing characteristic where **the channel listing characteristic comprises a predetermined number of channels presented concurrently;**
and
modifying IPG configuration data stored in memory in response to receiving the first user input, where the IPG configuration data is used to determine the IPG channel listing characteristic,
wherein the IPG channel listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user such that a first user input of **selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic.**

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3 that the "channel listing characteristic comprises a predetermined number of channels presented concurrently" is disclosed in *Ward*, paragraph 214. Paragraph 214 of *Ward* states that

...all Guide screens are made of "hard pages." A hard page is defined as an area comprising 9 channel slots.

Assuming, *arguendo*, that one could equate "a predetermined number of channels presented concurrently" from claim 17 with a number of channel slots on a hard page, nowhere does *Ward* teach, disclose, or suggest modifying the number of channel slots that comprise a hard page. The Office Action further states that "selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic" is disclosed in FIG. 6, alleging that "user first select Schedule button; and user can Remove or Change the schedule program list from the action button" (Office Action, page 3). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by selecting the Remove or Change buttons, respectively (see *Ward*, paragraph 121). Even assuming, *arugendo*, the alleged equivalences set forth in page 3 of the Office Action, changing the number of programs in the record list of FIG. 6 does not affect the number of channel slots

that comprise a hard page of paragraph 214; therefore, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic***, the IPG channel listing characteristic comprising ***a predetermined number of channels presented concurrently***, as is recited in claim 17.

Because independent claim 17 is allowable over *Ward*, dependent claims 18-23, 62 and 63 are allowable as a matter of law for at least the reason that the dependent claims 18-23, 62 and 63 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 26

Claim 26 recites (emphasis added):

26. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) time listing characteristic where ***the time listing characteristic is at least one of the following:***
a predetermined number of time listings presented concurrently
and ***a predetermined coverage of a time listing;*** and
modifying IPG configuration data stored in memory in response to receiving the first user input, where the IPG configuration data is used to determine the IPG time listing characteristic,
wherein the IPG time listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user such that a first user input of ***selecting the object indicia and the tool indicia modifies the IPG time listing characteristic.***

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3-4 that "a predetermined coverage of a time listing" is disclosed in *Ward*, paragraphs 127 and 190. Paragraph 127 of *Ward* states:

The viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future. In the "all channel" format, the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day.

Paragraph 190 of *Ward* states (emphasis added):

Typically, the EPG will carry only 2 days of program listings. ***At the viewer's selection, the EPG can carry only a single day of program listings.*** The single day option provides a smaller range of program listings but increases response time. ***Alternatively, the viewer can select to carry any number of days of program listings, up to the number of days that is provided for by the particular installation, which is set by the corresponding amount of memory storage available.***

Assuming, *arguendo*, that one could equate a "predetermined time listing characteristic" as is recited in claim 26 with the viewer's selection of the number of days of paragraph 190 of *Ward*, nowhere does *Ward* discuss any specific buttons that are selected to change the number of days. The Office Action further states that "selecting the object indicia and the tool indicia modifying the IPG time listing characteristic" is disclosed in the Schedule button of FIG. 1 (object indicia) and the Remove or Change button of FIG. 6 (tool indicia), wherein the "user can change the schedule for the selected programs" (Office Action, page 4). The schedule button of FIG. 1 appears to take the user to the screen of FIG. 6 (see *Ward*, FIG. 6, schedule button is highlighted). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by selecting the Remove or Change buttons, respectively. Removing or changing programs in the record list of FIG. 6 does not affect the number of days of program listings of paragraph 190, as the number of days of program listings from paragraph 190 appears to be related to the Grid screen of FIGs. 1, 3, 4A, 4B, and 5, not the Record screen of FIG. 6 (see *Ward*, paragraph 127). Therefore, even assuming, *arguendo*, the alleged equivalences set forth in pages 3-4 of the Office Action, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG time listing characteristic***, wherein the IPG time listing characteristic is ***a predetermined coverage of a time listing***, as is recited in claim 26.

Because independent claim 26 is allowable over *Ward*, dependent claims 64-66 are allowable as a matter of law for at least the reason that the dependent claims 64-66 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 30

Claim 30 recites (emphasis added):

30. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) channel listing characteristic, where ***the channel listing characteristic comprises a predetermined number of channels presented concurrently;***
and
changing the IPG channel listing characteristic in accordance with the first user input, wherein the IPG channel listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user such that a first user input of ***selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic.***

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3 that the "channel listing characteristic comprises a predetermined number of channels presented concurrently" is disclosed in *Ward*, paragraph 214. Paragraph 214 of *Ward* states that

...all Guide screens are made of "hard pages." A hard page is defined as an area comprising 9 channel slots.

Assuming, *arguendo*, that one could equate "a predetermined number of channels presented concurrently" from claim 30 with a number of channel slots on a hard page, nowhere does *Ward* teach, disclose, or suggest modifying the number of channel slots that comprise a hard page. The Office Action further states that "selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic" is disclosed in FIG. 6, alleging that "user first select Schedule button; and user can Remove or Change the schedule program list from the action button" (Office Action, page 3). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by

selecting the Remove or Change buttons, respectively (see *Ward*, paragraph 121). Even assuming, *arguendo*, the alleged equivalences set forth in page 3 of the Office Action, changing the number of programs in the record list of FIG. 6 does not affect the number of channel slots that comprise a hard page of paragraph 214; therefore, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic***, the IPG channel listing characteristic comprising ***a predetermined number of channels presented concurrently***, as is recited in claim 30.

Because independent claim 30 is allowable over *Ward*, dependent claims 31-36, 67 and 68 are allowable as a matter of law for at least the reason that the dependent claims 31-36, 67 and 68 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 39

Claim 39 recites (emphasis added):

39. A method for configuring a user interface, comprising:
receiving a first user input requesting a change in an interactive program guide (IPG) time listing characteristic, where ***the time listing characteristic is at least one of the following:***
a predetermined number of time listings presented concurrently and ***a predetermined coverage of a time listing***; and
changing the IPG time listing characteristic in accordance with the first user input, wherein the IPG time listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user such that a first user input of ***selecting the object indicia and the tool indicia modifies the IPG time listing characteristic***.

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3-4 that "a predetermined coverage of a time listing" is disclosed in *Ward*, paragraphs 127 and 190. Paragraph 127 of *Ward* states:

The viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or scheduled to begin at some time in the future. In the "all channel" format, the viewer

scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day.

Paragraph 190 of *Ward* states (emphasis added):

Typically, the EPG will carry only 2 days of program listings. **At the viewer's selection, the EPG can carry only a single day of program listings.** The single day option provides a smaller range of program listings but increases response time. **Alternatively, the viewer can select to carry any number of days of program listings, up to the number of days that is provided for by the particular installation, which is set by the corresponding amount of memory storage available.**

Assuming, *arguendo*, that one could equate a "predetermined time listing characteristic" as is recited in claim 39 with the viewer's selection of the number of days of paragraph 190 of *Ward*, nowhere does *Ward* discuss any specific buttons that are selected to change the number of days. The Office Action further states that "selecting the object indicia and the tool indicia modifying the IPG time listing characteristic" is disclosed in the Schedule button of FIG. 1 (object indicia) and the Remove or Change button of FIG. 6 (tool indicia), wherein the "user can change the schedule for the selected programs" (Office Action, page 4). The schedule button of FIG. 1 appears to take the user to the screen of FIG. 6 (see *Ward*, FIG. 6, schedule button is highlighted). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by selecting the Remove or Change buttons, respectively. Removing or changing programs in the record list of FIG. 6 does not affect the number of days of program listings of paragraph 190, as the number of days of program listings from paragraph 190 appears to be related to the Grid screen of FIGS. 1, 3, 4A, 4B, and 5, not the Record screen of FIG. 6 (see *Ward*, paragraph 127). Therefore, even assuming, *arguendo*, the alleged equivalences set forth in pages 3-4 of the Office Action, *Ward* does not teach, disclose, or suggest **selecting the object indicia and the tool indicia modifies the IPG time listing characteristic**, wherein the IPG time listing characteristic is a **predetermined coverage of a time listing**, as is recited in claim 39.

Because independent claim 39 is allowable over *Ward*, dependent claims 69 and 70 are allowable as a matter of law for at least the reason that the dependent claims 69 and 70 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 43

Claim 43 recites (emphasis added):

43. A method for configuring a user interface, comprising:
receiving a first user input identifying an interactive program guide (IPG) channel listing characteristic, where **the channel listing characteristic comprises a predetermined number of channels presented concurrently**; and
providing the user with an IPG screen that has the characteristic identified via the first user input,
wherein the IPG channel listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG channel listing characteristic is represented by a tool indicia presented to the user such that a first user input of **selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic**.

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3 that the "channel listing characteristic comprises a predetermined number of channels presented concurrently" is disclosed in *Ward*, paragraph 214. Paragraph 214 of *Ward* states that

...all Guide screens are made of "hard pages." A hard page is defined as an area comprising 9 channel slots.

Assuming, *arguendo*, that one could equate "a predetermined number of channels presented concurrently" from claim 43 with a number of channel slots on a hard page, nowhere does *Ward* teach, disclose, or suggest modifying the number of channel slots that comprise a hard page. The Office Action further states that "selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic" is disclosed in FIG. 6, alleging that "user first select Schedule button; and user can Remove or Change the schedule program list from the action button" (Office Action, page 3). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by

selecting the Remove or Change buttons, respectively (see *Ward*, paragraph 121). Even assuming, *arugendo*, the alleged equivalences set forth in page 3 of the Office Action, changing the number of programs in the record list of FIG. 6 does not affect the number of channel slots that comprise a hard page of paragraph 214; therefore, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG channel listing characteristic***, the IPG channel listing characteristic comprising ***a predetermined number of channels presented concurrently***, as is recited in claim 43.

Because independent claim 43 is allowable over *Ward*, dependent claims 44-48, 71 and 72 are allowable as a matter of law for at least the reason that the dependent claims 44-48, 71 and 72 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 51

Claim 51 recites (emphasis added):

51. A method for configuring a user interface, comprising:
receiving a first user input identifying an interactive program guide (IPG) time listing characteristic, where ***the time listing characteristic is at least one of the following***:
a predetermined number of time listings presented concurrently and a ***predetermined coverage of a time listing***; and
providing the user with an IPG screen that has the characteristic identified via the first user input,
wherein the IPG time listing characteristic is represented by an object indicia presented to a user and an action for reconfiguring the IPG time listing characteristic is represented by a tool indicia presented to the user such that a first user input of ***selecting the object indicia and the tool indicia modifies the IPG time listing characteristic***.

Applicant submits that *Ward* does not teach, disclose or suggest at least the above-emphasized claim features. The Office Action states on page 3-4 that "a predetermined coverage of a time listing" is disclosed in *Ward*, paragraphs 127 and 190. Paragraph 127 of *Ward* states:

The viewer can choose to view the Grid Guide in an "all channel" format which displays in some order every channel and the listings of programs already in progress or

scheduled to begin at some time in the future. In the "all channel" format, the viewer scrolls up and down the listings for each channel and from left to right and right to left to view the listings for a channel scheduled for different times during the day. Typically, the left-most portion of the guide begins with the earliest scheduled programs and continues to the right serially through the listings scheduled at later times during the day.

Paragraph 190 of *Ward* states (emphasis added):

Typically, the EPG will carry only 2 days of program listings. ***At the viewer's selection, the EPG can carry only a single day of program listings.*** The single day option provides a smaller range of program listings but increases response time. ***Alternatively, the viewer can select to carry any number of days of program listings, up to the number of days that is provided for by the particular installation, which is set by the corresponding amount of memory storage available.***

Assuming, *arguendo*, that one could equate a "predetermined time listing characteristic" as is recited in claim 51 with the viewer's selection of the number of days of paragraph 190 of *Ward*, nowhere does *Ward* discuss any specific buttons that are selected to change the number of days. The Office Action further states that "selecting the object indicia and the tool indicia modifying the IPG time listing characteristic" is disclosed in the Schedule button of FIG. 1 (object indicia) and the Remove or Change button of FIG. 6 (tool indicia), wherein the "user can change the schedule for the selected programs" (Office Action, page 4). The schedule button of FIG. 1 appears to take the user to the screen of FIG. 6 (see *Ward*, FIG. 6, schedule button is highlighted). FIG. 6 appears to be directed to a listing of programs chosen by the user for recording, where the user may remove or change programs on the record list by selecting the Remove or Change buttons, respectively. Removing or changing programs in the record list of FIG. 6 does not affect the number of days of program listings of paragraph 190, as the number of days of program listings from paragraph 190 appears to be related to the Grid screen of FIGS. 1, 3, 4A, 4B, and 5, not the Record screen of FIG. 6 (see *Ward*, paragraph 127). Therefore, even assuming, *arguendo*, the alleged equivalences set forth in pages 3-4 of the Office Action, *Ward* does not teach, disclose, or suggest ***selecting the object indicia and the tool indicia modifies the IPG time listing characteristic***, wherein the IPG time listing characteristic is a ***predetermined coverage of a time listing***, as is recited in claim 51.

Because independent claim 51 is allowable over *Ward*, dependent claims 73 and 74 are allowable as a matter of law for at least the reason that the dependent claims 73 and 74 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

II. Finding of Inherency with regard to Claims 1, 17, 30, and 43, and Claims 6, 26, 39, and 51

The Office Action alleges on page 3, regarding claims 1, 17, 30, and 43, that a memory is inherent to the system of *Ward*. The Office Action further alleges on page 3, regarding claims 6, 26, 39, and 51, that a memory is inherent to the system of *Ward*. In accordance with *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d (BNA) 1949, 1950-51 (Fed. Cir. 1999), Applicant traverses these findings as being inadequate to show why the claimed features are necessarily present in the reference. Consequently, because of the lack of extrinsic evidence required under *In re Robertson*, the statements in the Office Action are merely conclusory and not adequately supported, and the rejection of claims 1, 17, 30, 43, and claims 6, 26, 39, and 51 are improper.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 15 and 16

Claims 15 and 16 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ward* in view of *Lemmons et al.* ("*Lemmons*," U.S. Pat. No. 6,442,775). Applicant respectfully traverses this rejection. It is respectfully submitted that a *prima facie* case for obviousness is not established using the art of record. As is identified above in reference to independent claim 1, *Ward* does not teach ***modifying an IPG channel listing characteristic***, the IPG channel listing characteristic comprising ***a predetermined number of channels presented concurrently***. In that *Lemmons* does not remedy this deficiency of the *Ward* reference,

Applicants respectfully submit that claims 15-16, which depend from claim 1, are allowable over the *Ward* in view of *Lemmons* combination for at least the same reasons that claim 1 is allowable over *Ward*.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/s/d/

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